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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,046	02/17/2004	James J. Gnadt	GW-0062-US	9671

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EXAMINER

HOWELL, DANIEL W

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,046

Applicant(s)

GNADT, JAMES J.

Examiner

Daniel W. Howell

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-15 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2-17-04</u> . | 6) <input type="checkbox"/> Other: ____ |

Art Unit: 3722

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-7, and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Corcoran (4383457). Figures 2 and 3 show a rail 30 which initially supports workpiece 34, a tailstock/first gripping means 36, and a projecting headstock center/second gripping means 86 opposed to the tailstock and coaxial within a chuck 63, 74. Center 86 is projected by a piston 100 to hold the workpiece coaxial to the axis of rotation of the chuck. As discussed at column 3, lines 50+, the headstock 52 is now advanced to the right of figure 1, such that the chuck is moved axially forward over the workpiece. When the slide has advanced the desired amount, chuck jaws 74 are actuated to grip the workpiece. Lines 6+ of column 4 discuss the steps to release the workpiece. The workpieces have the conventional indentations at the axis of rotation for reception of the points of centers 36, 86.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corcoran in view of Rosengren (2389083). Corcoran makes it clear that his invention may be used for a variety of situations. Lines 19-22 of column 2 state that machine tools to perform

Art Unit: 3722

“grinding or machining” operations on the part while it is supported, and lines 37-39 of column 2 state, “the term ‘machining’ is used in a broad sense to mean cutting with lathe tools, drilling, or grinding or *other metal removal processes*.” Rosengren shows a central blank loader 25 which holds pinion blanks 30 between opposed supports 35, 37, so that they may be gripped. After the loader 25 is retracted, teeth may be cut on the pinion blank by a cutter 36. As discussed at column 2, lines 10+, the blank has a main portion 31 on which teeth are to be cut and an arbor/shank 32. It is considered to have been obvious to have equipped Corcoran with a cutter 36 as disclosed by Rosengren, as Corcoran has explicitly stated that his device may be used for a variety of metal removal processes and to precisely support a pinion/gear blank during machining.

5. For the benefit of anyone reading this action at a later time, it is noted the Ashton ‘684 is very close to the claimed invention, but a significant difference is that the workpiece W is inserted in the collet chuck by movement of the tailpiece 60 with gear 80 and rack 77. See lines 23+ of column 3 of Ashton. The spindle 10 does not move axially to grip the workpiece.

6. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning the content of this communication from the examiner should be directed to Daniel Howell, whose telephone number is 571-272-4478. The examiner’s office hours are typically about 10 am until 6:30 pm, Monday through Friday. The examiner’s supervisor, Monica Carter, may be reached at 571-272-4475.

Art Unit: 3722

In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office actions directly into the Group at FAX number to 571-273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Daniel Howell of Art Unit 3722 at the top of your cover sheet.

A handwritten signature in black ink, appearing to read 'Howell', is positioned above the printed name.

Daniel W. Howell
Primary Examiner
Art Unit 3722